

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AKORN HOLDING COMPANY LLC,
et al.,

Debtors.

Chapter 7
Case No. 23-10253 (KBO)

(Jointly Administered)

Related Doc. Nos. 137, 146

OBJECTION OF TEVA AFFILIATES TO PROPOSED CURE AMOUNTS

The below described Teva affiliates, by and through their undersigned counsel and pursuant to this Court's Bidding Procedure Order (Doc. 137) and the Trustee's Notice of Executory Contracts And Unexpired Leases That May Be Assumed And Assigned (the "Trustee's Notice") (Doc. 146), hereby object to the Trustee's proposed cure amounts as follows:

A. Supplier Purchase Agreement, by and between Anda, Inc. and Akorn, Inc. dated March 8, 2016 as amended by that certain Amendment #1 dated March 1, 2018 as further amended by that certain Amendment #2 dated January 1, 2020.

1. The Trustee has listed the cure amount at \$0.
2. There is currently no net balance due to Anda Inc. However, a recall was recently initiated by the FDA and Akorn. In light of this recall, Anda Inc. anticipates that product will be returned in the coming months, and that Anda Inc. will incur costs for product destruction and other recall related costs. Those costs will then be due to Anda Inc. under this Agreement.
3. Anda Inc. therefore objects to the Trustee's stated cure amount for this contract, and requests that any purchaser that may seek an assignment of this Agreement be required to pay any amounts that may be due to Anda Inc. related to the product recall.
4. As the proposed assignee is unknown, Anda Inc. reserves the right to raise additional objections pursuant to 11 U.S.C. § 365.

B. Development, Supply and Marketing Agreement dated October 1, 2021 between Plantex USA, Inc. and Hi-Tech Pharmacal Co., Inc.

1. The Trustee has listed this agreement as an executory contract subject to assumption with a \$0 cure amount.
2. Plantex USA, Inc. is a Teva subsidiary which is now known as Teva API.
3. Teva is not aware of any such Plantex agreement in place. Teva therefore objects to the proposed assumption.
4. If the Trustee meant to refer to the parties' agreement relating to Calcipotriene, then the Trustee should clarify that fact.
5. As the proposed assignee is unknown, if such an agreement does exist Teva reserves the right to raise additional objections pursuant to 11 U.S.C. § 365.

C. Consent to Assignment of the Development, Supply and Marketing Agreement for Levofloxacin Ophthalmic dated January 26, 2004 between Teva API formerly Plantex USA, Inc. and Hi-Tech Pharmacal Co., Inc.

1. The Trustee has listed the cure amount at \$0.
2. Plantex USA, Inc. is a Teva subsidiary which is now known as Teva API.
3. Teva API no longer has an agreement with Akorn related to Levofloxacin. Teva API therefore objects to any proposed contract assumption or assignment.
4. As the proposed assignee is unknown, if such a contract does exist, Teva API reserves the right to raise additional objections pursuant to 11 U.S.C. § 365.

WHEREFORE, the above Teva Affiliates object to the Trustee's Notice and stated cure amounts and requests all such further relief as this Court deems just.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

/s/ Geoffrey G. Grivner
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CERTIFICATE OF SERVICE

I, Geoffrey G. Grivner, certify that on May 16, 2023 I caused true and correct copies of the *OBJECTION OF TEVA AFFILIATES TO PROPOSED CURE AMOUNTS* to be served via the court's ECF notification and on each of the following via electronic mail:

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Respectfully submitted,

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